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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,453	10/21/2003	Arto Kiiskinen	944-004.037	7333

4955 7590 04/19/2006

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EXAMINER

TIMBLIN, ROBERT M

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/691,453	KIISKINEN ET AL.	
	Examiner	Art Unit	
	Robert M. Timblin	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to application 10/691,453.

Claims 1-6 have been examined and are pending prosecution.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/30/2004 is being considered by the examiner.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 10 of figure 1.

Documentum ACL database of figure 1 is incorrectly numbered as 19, whereas the Terminal object shares the same number in the drawing (see specification at page 7).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37

CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Regarding claims 2 and 4, the phrase "*possibly* differing" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim1 is rejected under 35 U.S.C. 101 because it fails to provide a useful, concrete, and tangible result. In this claim, using data as an indication of how content is organized and also indicating for each page and each terminal type a template does not produce that possess a certain level of "real world" value. The subject matter of this claim represents nothing more than an idea or concept, or is simply a starting point for future investigation or research.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2167

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by **Judd et al.** (Judd hereinafter) (U.S. 7,016,963).

With respect to claims 1 and 3, **Judd** discloses A system for creating and managing a site accessible as a wireless access protocol portal by terminals of different types and including a plurality of pages, characterized by:

'a site structure database (11) containing data indicating how accessible content (330, fig. 3) is organized at the site in terms of the pages and their interrelationships, and also indicating for each page and each terminal type a template according to which content for the page is to be provided' as providing a "best fit" template based on the user environment variables (col. 11 lines 1-44). The device variables are further described in 305 of fig. 3. With the "best fit" method determined, the correct image, video, text etc, is sent (col. 11, lines 45-60).

'a site management application (12) for maintaining the site structure database (11)' as a server engine which updates necessary databases with changes (col. 16 lines 7-18 and fig. 4).

Claim 3 contains essentially the same subject matter as that of claim 1 above but differs as being a method claim rather a system claim. Therefore claim 3 is rejected for the same reasons as set forth in the rejection of claim 1 above.

With respect to claims 2 and 4, Judd discloses providing access to the wireless access protocol portal and further characterized by:

a templates data store (14) including templates according to which content for the pages is to be provided for different terminal types' as a template database 340 (col. 13, and fig 3).

'a content data store (16) including content for the pages, possibly differing for the different terminal types' as content resource 330 (fig. 3).

'a content delivery application (15), responsive to a request for a page from a terminal of one or another of the terminal types' as a content transformer that formats content for outbound transmission (col. 8 line 60 to col. 9 line 2).

for creating the requested page at runtime based on a terminal type included in the request, using information retrieved from the site structure database (11), information retrieved from the templates data store (14), and information retrieved from the content data store (16), all of the information indexed by information included in the request and indicating the page and the terminal type' as indexing content resources and template database (col. 13, lines 38-52).

Art Unit: 2167

With respect to claims 5 and 6, **Judd** discloses '**A computer program product**' as the NIMBUS server engine (col. 9, lines 53 to col. 10 line 13).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,014,680 issued to Sato et al. on 1/11/2000. The subject matter disclosed therein is pertinent to that of claims 1-6 (i.e. generating structured documents for devices).

US 2003/0023635 filed by Justice 7/25/2001. The subject matter disclosed therein is pertinent to that of claims 1-6 (i.e. publishing content).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

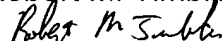
Art Unit: 2167

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie Wong

Primary Examiner

Robert M. Timblin


Patent Examiner AU 2167

RMT
4/5/2006